IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

F.A.O. No. 4492 of 2006 (O&M)
Date of Decision : February 20, 2007

General Manager, Haryana Roadways, Kaithal and another

... Appellants.

Versus

Kalyan Singh and another.

.. Respondents

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri Ajay Chaudhary, Sr. DAG, Haryana,
for the appellants.

PRITAM PAL , J. (Oral)

Heard.

For the reasons mentioned in Civil Misc. Nos. 19433-CII of 2006 and 19434-CII of 2006, delay of 96 days in re-filing and 13 days in filing this appeal, is condoned. C.Ms. stand disposed of.

Main appeal

The only contention of learned counsel for the appellants is that a penalty of Rs. 60,000/- has been imposed upon the appellants, illegally, by the learned Commissioner under the Workmen's Compensation Act, 1923 (for short, “the Act”). In fact, the penalty should have to be imposed upon the insurer, who has also been held liable to pay the amount of compensation as well as interest thereon.

..

Under the Act and the law laid down by the Hon`ble Supreme Court in the case of **Ved Parkash Garg v. Premi Devi** ***(1997) 8 S.C.C. 1,*** it has been held that the insurer is not liable to pay the penalty and it had to be paid by the employer. Admittedly, the appellants are the employer in this case. Therefore, the learned Commissioner has rightly imposed the penalty upon the appellants. Moreover, this appeal has been filed under Section 30 of the Act and under the said Section, the appeal is not maintainable unless some substantial question of law is shown to have arisen for consideration by this Court. No such substantial question of law could be made out by the learned counsel for the appellants. Besides this, this Court also does not find any perversity in the findings arrived at by the learned Commissioner, under the Act.

Hence, this appeal is dismissed *in limine.*

[PRITAM PAL]
JUDGE

February 20, 2007.
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